

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANDREA KIRSCHSIEPER and ROLF
KIRSCHSIEPER,

Plaintiff(s)

- against -

MARTIN D'HALLUIN and JAMIE KEATING,
individually

Defendant(s)

ANSWER

Docket No. 16-cv-2280

Defendant(s) Jaime Keating and Martin D'Halluin, by the undersigned answering the
VERIFIED complaint of the plaintiff(s), upon information and belief, states as follows:

NATURE OF ACTION:

FIRST: Denies having any knowledge or information sufficient to form a belief as to the
truth of the allegations contained in paragraphs numbered and designated as: **1**

JURISDICTION, PARTIES AND VENUE:

SECOND: Denies having any knowledge or information sufficient to form a belief as to
the truth of the allegations contained in paragraphs numbered and designated as: **2, 3, 4, 5, 9**

THIRD: Denies each and every allegation contained in paragraphs numbered and
designated as: **8**

FOURTH: Admits each and every allegation contained in paragraphs numbered and
designated as: **6, 7**

FACTUAL ALLEGATIONS:

FIFTH: Denies having any knowledge or information sufficient to form a belief as to the
truth of the allegations contained in paragraphs numbered and designated as: **10, 14, 16, 20**

SIXTH: Denies each and every allegation contained in paragraphs numbered and
designated as: **11, 15, 17, 18, 19, 21, 22, 23, 24**

SEVENTH: Admits each and every allegation contained in paragraphs numbered and
designated as: **12, 13**

FIRST CLAIM ON BEHALF OF ANDREA KIRSCHSEIPER AGAINST MARTIN D'HALLUIN:

EIGHTH: Answering paragraph **25** repeats and reiterates each and every admission and denial heretofore made to paragraphs set therein with the same force and effect as if more fully set forth herein.

NINTH: Denies having any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered and designated as: **26**

TENTH: Denies each and every allegation contained in paragraphs numbered and designated as: **27, 28a, 28b, 28c, 28d, 28e, 28f, 28g, 28h, 28i, 28j, 28k, 28l, 28m, 28n, 28o, 28p, 28q, 28r, 28s, 28t, 28u, 28v, 28w, 29, 30, 31, 33**

SECOND CLAIM ON BEHALF OF ANDREA KIRSCHSEIPER AGAINST JAMIE KEATING:

ELEVENTH: Answering paragraph **33** repeats and reiterates each and every admission and denial heretofore made to paragraphs set therein with the same force and effect as if more fully set forth herein.

TWELFTH: Denies having any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered and designated as: **35, 36**

THIRTEENTH: Denies each and every allegation contained in paragraphs numbered and designated as **34, 37, 38, 39a, 39b, 39c, 39d, 39e, 39f, 39g, 39h, 39i, 39j, 39k, 39l, 39m, 39n, 39o, 39p, 39q, 39r, 39s, 39t, 39u, 39v, 39w, 40a, 40b, 40c, 40d, 41, 42, 43, 44, 45**

THIRD CLAIM ON BEHALF OF ROLF KIRSCHSEIPER AGAINST MARTIN D'HALLUIN:

FOURTEENTH: Answering paragraph **46** repeats and reiterates each and every admission and denial heretofore made to paragraphs set therein with the same force and effect as if more fully set forth herein.

FIFTEENTH: Denies having any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered and designated as: **47, 48**

SIXTEENTH: Denies each and every allegation contained in paragraphs numbered and designated as: **49, 50, 51, 52**

THIRD CLAIM ON BEHALF OF ROLF KIRSCHSEIPER AGAINST JAMIE KEATING:

SEVENTEENTH: Answering paragraph **53** repeats and reiterates each and every admission and denial heretofore made to paragraphs set therein with the same force and effect as if more fully set forth herein.

EIGHTEENTH: Denies having any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered and designated as: **54, 55**

NINETEENTH: Denies each and every allegation contained in paragraphs numbered and designated as: **56, 57, 58, 59**

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

The personal injuries and/or property damage alleged to have been sustained by the plaintiff(s) were caused entirely or in part through the culpable conduct attributable to the plaintiff(s) and the defendant seeks a dismissal or reduction in any recovery had by the plaintiff in the proportion which the culpable conduct attributable to the plaintiff(s) bears to the culpable conduct which caused the damages.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Upon information and belief, service of process was not in conformity with the F.R.C.P., therefore the Court did not have jurisdiction over the person of the defendant.

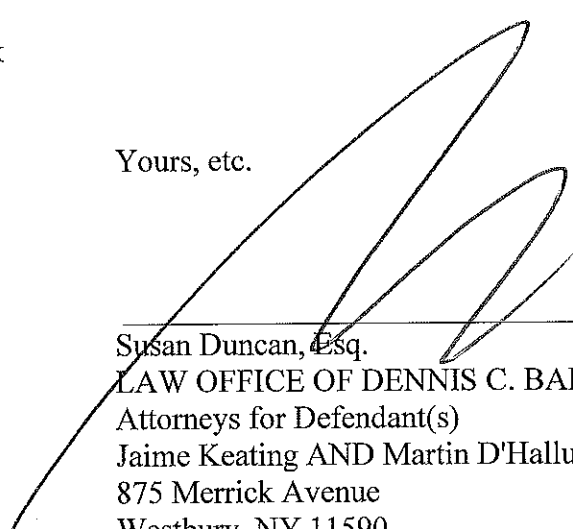
AS AND FOR A THIRD AFFIRMATIVE DEFENSE

That the plaintiff(s)' damages must be mitigated by the plaintiff(s)' violation of Section 1229(c) of the Vehicle and Traffic Law in the plaintiff(s) did not use the seat belts or infant restraining devices and that the damages claimed to have been sustained were caused by the lack of use of said seat belts and/or infant restraining devices.

WHEREFORE, defendant(s) demand(s) judgment dismissing the plaintiff(s) complaint herein together with the costs and disbursements of this action.

DATED: Westbury, New York
January 12, 2017

Yours, etc.



Susan Duncan, Esq.
LAW OFFICE OF DENNIS C. BARTLING
Attorneys for Defendant(s)
Jaime Keating AND Martin D'Halluin
875 Merrick Avenue
Westbury, NY 11590
516-229-4417
Our File No. 16R2429
Claim No: 0468091370101010 (J081)

TO:

The Jackson Law Firm, P. A.

Attorneys for Plaintiff(s)

Rolf Kirschsieper and Andrea Kirschsieper

1201 S. Orlando Avenue, Suite 201

Winter Park, FL 32789

(321) 972-8820

Index No. 16-cv-2280

Year: 2016

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Plaintiff(s)

- against -

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KEATING, individually

Defendant(s)

ANSWER

LAW OFFICE OF DENNIS C. BARTLING

Attorneys for the Defendant(s)
Jaime Keating and Martin D'Halluin
Office and Post Office Address
875 Merrick Avenue
Westbury, NY 11590
516-229-4417

To:

The Jackson Law Firm, P. A.
Attorneys for Plaintiff(s)
Rolf Kirschsieper and Andrea Kirschsieper
1201 S. Orlando Avenue, Suite 201
Winter Park, FL 32789
(321) 972-8820

Due and timely service of a copy of the within _____ is hereby admitted.
Dated January 12, 2017

Attorney(s) for Jaime Keating and Martin D'Halluin